

a moment when the country urgently needs leadership like the leadership that Jon Davidson can provide.

Just one example: You know, Mr. President, I ran a not very well noticed campaign for President the last time we were having a campaign for President, and I ran it on the idea that we could cut childhood poverty almost in half in this country by adopting the changes that I had proposed to the child tax credit with Senator BROWN from Ohio and Senator BOOKER from New Jersey and then-Senator Harris from California.

But, like with anything else a Senator does, the work is actually done often by the members of that Senator's staff. And in the case of Jon, the vision also came from him and from Charlie Anderson—another staff member that I had—and the entire team that worked together not just for that Presidential campaign but to make sure that, in the wake of it, that could actually become law.

And because of Jon's tenacity, among other things, and his willingness to be able to raise this issue again and again and again in rooms full of staff but also in rooms full of Senators, those changes in the child tax credit are now the law of the land, and we are cutting childhood poverty in this country almost in half this year. It is one of the signature accomplishments, in my mind, of the Biden administration. It is one that I hope that we are going to be able to continue.

So, obviously, I was extremely sad to see him go. I was very, very pleased to see the broad bipartisan support that the cloture vote on his nomination engendered. And I know great things are ahead for Jon and for the country because of his leadership.

He knows, I think, that he has got an open invitation to come back anytime that he wants to.

Before I leave the floor, I also want to say a special word of gratitude to his dad Garber, who lives in Baltimore; and to his wife Erin; and to his children Leo, Mia, and Serena—all of whom have been part of the efforts that we have undertaken on behalf of the people I represent in Colorado over the last decade and on behalf of the United States of America.

These opportunities for public service that all of us have are ones that can't be accomplished without our families; without, I know in the case of Jon, the mentorship that he received from his father, who himself was a distinguished public servant in the United States, and also the support of his family.

So I am filled with great happiness today that we are going to have a great, positive, bipartisan vote on Jon Davidson, as it should be. And perhaps that is a sign of things to come when the kind of quality of somebody like Jon Davidson is recognized in a way that it causes us to act not in a partisan way but in a bipartisan way, to embrace his public service but also a vision for the country that can move us forward.

So congratulations to Jon Davidson. Congratulations to his family, to the Department of the Treasury, and to the United States of America.

With that, Madam President, I yield the floor.

RECESS

The PRESIDING OFFICER (Ms. SINEMA). Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:12 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued

The PRESIDING OFFICER. The Senator from Delaware.

NOMINATION OF JEFFREY M. PRIETO

Mr. CARPER. Madam President, I rise today in support of the confirmation of Jeffrey Prieto to serve as general counsel of the Environmental Protection Agency. Mr. Prieto was reported favorably from our committee, the Environment and Public Works Committee, on a bipartisan vote of 12 to 8.

Yesterday, I received an interesting letter from a bipartisan group of four former EPA general counsels representing the Trump administration, the Obama administration, and the administrations of George W. Bush and Bill Clinton. They were basically conveying the same message: They support the confirmation of Jeffrey Prieto to serve as general counsel of the Environmental Protection Agency. That doesn't happen every day. We get letters of support from nominees, different parties, different Agencies from time to time, but to have four former EPA general counsels from two Republican administrations of late and two Democratic administrations all in support of the nomination of Jeffrey Prieto to serve in this important role—that got my attention, and I hope it gets the attention of all of my colleagues.

Those who wrote to us, the four who wrote to us, very correctly point out that Mr. Prieto is, and I quote—these are their words, not mine—"uniquely qualified for the position of General Counsel for the EPA.

They go on to say:

Mr. Prieto has been a longstanding champion of human health and Environmental protection for all Americans.

The letter continues:

He is fair, just, and ethical. He will make decisions strictly based on the facts, science, and the law. We expect he will [be] ready to serve on day one.

Not surprisingly, I completely agree with their sentiments. Having come to know Mr. Prieto following his nomination by President Biden, I believe he will be an outstanding EPA general counsel. He comes from a patriotic Latino family with a proud history of military service. He has the intellect,

temperament, and experience to serve in this important role.

Six years ago, this body saw fit to confirm Jeffrey Prieto unanimously for the same position, general counsel, at the Department of Agriculture. We should confirm him again today for this post. He was the right choice then; he is the right choice now. I encourage our colleagues to join me in supporting his nomination.

With that, I yield the floor.

Mr. CARPER. Madam President, I ask unanimous consent that the scheduled vote occur immediately.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read the following:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 360, Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

Charles E. Schumer, Jacky Rosen, Thomas R. Carper, Tina Smith, Mazie Hirono, Tammy Baldwin, Richard Blumenthal, Tammy Duckworth, Gary C. Peters, Elizabeth Warren, Richard J. Durbin, Jeanne Shaheen, Angus S. King, Jr., Christopher A. Coons, Kirsten E. Gillibrand, Ben Ray Lujan, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it sense of the Senate that debate on the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

(Thereupon, Mr. SCHATZ assumed the Chair.)

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER (Ms. SINEMA). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 43, as follows:

[Rollcall Vote No. 454 Ex.]

YEAS—56

Baldwin	Cortez Masto	Hyde-Smith
Bennet	Cramer	Kaine
Blumenthal	Duckworth	Kelly
Booker	Durbin	King
Brown	Feinstein	Klobuchar
Cantwell	Gillibrand	Leahy
Cardin	Hagerty	Lujan
Carper	Hassan	Manchin
Casey	Heinrich	Markey
Collins	Hickenlooper	Menendez
Coons	Hirono	Merkley

Murkowski
Murphy
Murray
Ossoff
Padilla
Peters
Reed
Rosen

Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester

Van Hollen
Warner
Warnock
Warren
Whitehouse
Wicker
Wyden

NAYS—43

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hawley
Hoeven
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul
Portman

Risch
Romney
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 43.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Jeffrey M. Prieto, of California, to be an Assistant Administrator of the Environmental Protection Agency.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 191, Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

Charles E. Schumer, Jacky Rosen, Thomas R. Carper, Tina Smith, Mazie Hirono, Tammy Baldwin, Richard Blumenthal, Tammy Duckworth, Gary C. Peters, Elizabeth Warren, Richard J. Durbin, Jeanne Shaheen, Christopher A. Coons, Angus S. King, Jr., Kirsten E. Gillibrand, Ben Ray Lujan, Brian Schatz.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from South Dakota (Mr. ROUNDS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 455 Ex.]

YEAS—53

Baldwin
Bennet
Blumenthal
Booker
Brown
Cantwell
Cardin
Carper
Casey
Collins
Coons
Cortez Masto
Duckworth
Durbin
Feinstein
Gillibrand
Hassan
Heinrich

Hickenlooper
Hirono
Kaine
Kelly
King
Klobuchar
Leahy
Lujan
Manchin
Markey
Menendez
Merkley
Murkowski
Murphy
Murray
Ossoff
Padilla
Peters

Reed
Romney
Rosen
Sanders
Schatz
Schumer
Shaheen
Sinema
Smith
Stabenow
Tester
Van Hollen
Warner
Warnock
Warren
Whitehouse
Wyden

NAYS—46

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines
Ernst
Fischer

Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Inhofe
Johnson
Kennedy
Lankford
Lee
Lummis
Marshall
McConnell
Moran
Paul

Portman
Risch
Rubio
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Tillis
Toomey
Tuberville
Wicker
Young

NOT VOTING—1

Rounds

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 46.
The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The legislative clerk read the nomination of Rajesh D. Nayak, of Maryland, to be an Assistant Secretary of Labor.

The PRESIDING OFFICER. The Senator from Utah.

RESTORING TRUST IN PUBLIC HEALTH ACT

Mr. LEE. Madam President, I have now come to the Senate floor 12 times to speak against President Biden's unconstitutional and unwise vaccine mandate. I have introduced 12 bills to counter and limit the mandate. Each time I have asked for one of these bills—each of which should be uncontroversial—and tried to get the Senate to pass them, one Senator or another from across the aisle has objected.

Some of these bills have required only transparency. Other bills would have ensured that religious and medical exemptions be honored. Others still would simply require parental consent before vaccinating children.

While far from the right answer of empowering Americans with all the information to make the decision themselves on when, whether, and under what circumstances to receive the COVID-19 vaccine, these commonsense bills would make the situation better. Each one of them would make it better. Each one of them is and properly should be uncontroversial.

Now, throughout the process, I have been criticized by those on the other

side of the aisle. I have been accused of attacking science and our institutions and somehow perpetuating the virus. Nothing could be further from the truth—nothing. I am for the vaccine. I have been vaccinated. Every member of my family has been vaccinated. I have encouraged others to be vaccinated all along. Nevertheless, Madam President, my support for the vaccine cannot, must not, and will never supersede my sworn oath to uphold, protect, and defend the Constitution of the United States; nor can it supersede the rights of Americans who should, in any free society, in any fair society, be at liberty to make their own properly informed medical decisions. This right has been recognized and it has been rightly celebrated throughout American history.

Another principle deeply enshrined, embedded, built into our Constitution that has been wholly ignored in implementing this mandate and countless other infringements of the rights and freedoms of Americans is the separation of powers. Checks and balances require that all ministers, consuls, and officers of the United States be confirmed by the advice and consent of the Senate. Some of us take that responsibility very seriously.

Any commissioned officer in the military being promoted to O-4 rank or higher requires Senate confirmation. That, of course, is the equivalent of a major in the Army. In other areas of government, positions such as members of the Advisory Board for Cuba Broadcasting, the board of the African Development Foundation, members of the National Councils on the Arts and Humanities, members of the National Science Board, and board members of the Corporation for National and Community Service all require Senate confirmation—every one of them.

Oddly, one position that has exerted huge power over the American people, particularly in recent years, does not require Senate confirmation. The Director of the Centers for Disease Control and Prevention manages over 10,000 employees and has requested over \$15 billion for the Centers' fiscal year 2022 budget.

The CDC, in recent months, has suspended property rights nationwide. It has provided capricious recommendations that local and State officials have used to strictly limit freedoms across the country. The CDC has shown through its own actions and the effects of those actions just how powerful it is. The sheer immensity of the CDC's power has been demonstrated over and over and over again on wide public, very prominent display for the American people to see and witness and experience.

We can and we should debate the authorities of the CDC here in Congress because Congress is, of course, the branch of government most accountable to the people at the most regular intervals. That is why the most dangerous powers, really, are lodged here,